

REMARKS

The independent claims (1, 2, 4, 8, 9, 11, 12, 15, 20, and 21) have each been modified to specify that the tackifier has a molecular weight of 100 to 5,000. This molecular weight range is supported in the specification at page 19, lines 9 to 16. Claims 5 and 18 have been amended to replace the term "the adhesive layer" with "the first and/or second adhesive layer(s)" to overcome the rejection of those claims under the second paragraph of 35 USC 112.

The claims before the Examiner in this case are claims 1, 2, 4 to 6, 8, 9, 11 to 13, and 15 to 21. Each independent claim specifies that the tackifier shifts from the adhesive layer in which the tackifier is contained to the volume hologram layer as the volume hologram laminate is produced during heat-treatment of the laminate. An active/positive migration takes place.

The rejection of claims 1, 2, 5, 6, 8, 9, 12, 13, and 15 to 21 under 35 USC 103 as unpatentable over Morii et al. WO '607 is respectfully traversed. Applicants submit that the reference does not teach or suggest the invention as claimed. Applicants note and appreciate the detailed explanation of the rejection and its

justification. Applicants submit with respect however that the instant invention does patentably distinguish over the art. The Examiner is directed to the arguments in the Amendment Under 37 CFR 1.116 filed October 8, 2002; see pages 10 to 13 of that paper. Applicants submit that the arguments presented there are still applicable. Moreover, applicants say that Morii et al. WO '607 does not teach or suggest controls of the molecular weight of a tackifier to operate within a range of 100 to 5,000 to obtain a good shifting property. The specification at page 19, lines 9 to 16, informs the reader that should the molecular weight be lower than 100, volatilization problems occur. A low molecular weight tackifier also raises safety and handling problems. Should the molecular weight of the tackifier be higher than 5,000, the ability to shift to the adjacent layer deteriorates. Thus, the molecular weight of the tackifier is critically important to improve compatibility between an adhesive in the adhesive layer and the tackifier. Such advantages are not taught or suggested by the reference alone or in consideration of Fick's Law.

The discussion of reference Fig. 12 is noted. Applicants submit that the analysis thereof and the conclusions drawn therefrom are made in light of the discussion in the instant specification. The compound shift and the reasons therefor are not taught or suggested in the reference. A mention of "equivalent function" shows, it is believed, that hindsight has been used to justify the rejection. The reference clearly has been considered in the context of what applicants' specification says, not what Morii et al. WO '607 says. The rejection should be withdrawn.

The Examiner's remark in bold type on the last three lines of page 6 of the Office Action is noted. Applicants seek clarification; if the Examiner intended to suggest further revisions to the claims patentably to distinguish over the cited art, he is asked to contact the undersigned.

The rejection of claims 1, 2, 4 to 6, 8, 9, 11 to 13, and 15 to 21 under 35 USC 103 as unpatentable over Ueda et al. '598 and Smothers et al. EP '772 in view of Morii et al. WO '607, if applied to the claims as amended, is also respectfully traversed. The Examiner is again directed to the arguments in the Amendment Under

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37 CFR 1.116 filed October 8, 2002 for applicants' position regarding the patentability of the claims over this combination of references. Those arguments coupled with the arguments presented above and the amendments to the claims discussed herein establish patentability of the claims. A discussion of heating in Ueda et al. '598 and Smothers et al. EP '772 does not justify the rejection. The references here, as in the rejection discussed above, have been analyzed in light of what applicants say and not in light of what the references themselves actually teach or suggest to the person of ordinary skill in the art. The rejection should be withdrawn.

Applicants lastly traverse the rejection of what is assumed to be all pending claims under 35 USC 103 as unpatentable over Ueda et al. '598 and Smothers et al. '772 in view of Morii WO '607 further in view of Yamagishi et al. JP '684, Tarumi et al. '107, or Weber '863, if applied to the claims as amended. Applicants respectfully submit that the reasons given in the Amendment Under 37 CFR 1.116 filed October 8, 2002 and the arguments presented earlier in this document establish patentability of the claimed subject matter.

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The tertiary references are cited here to show various adhesives but those teachings taken with the other references do not teach or suggest the present invention nor the advantages derived therefrom. The rejection should be withdrawn.

Reconsideration of the application is earnestly solicited.

The Examiner is requested to contact the undersigned should further changes be required in the case prior to allowance.

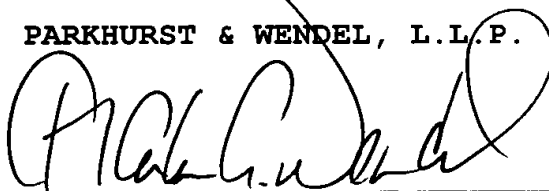
Respectfully submitted,

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Date

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